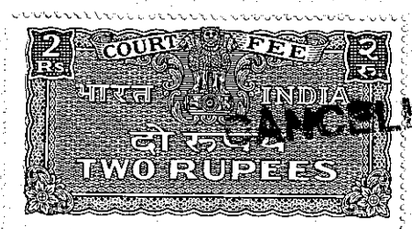
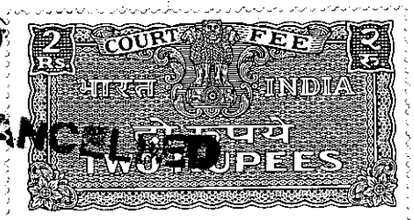
(3)





IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

M.A. No. 152 **/2005 (D.B.)** Single Bench

(Appeal against preliminary order Under Section 104 C.P.C
valued at Rs. 2,20,000/-)

APPELLANTS
DEFENDANTS No. 2 & 3

1. Dr. M.M. Shrivastava, S/o. N.A., Presently posted at District Hospital Raigarh (C.G.), R/o. Shree Villa, Mukut Nagar, Beladula, Raigarh (C.G.).

2. Dr. T.R. Sahu, S/o. N.A., C.M.O., District Hospital Raigarh, District- Raigarh (C.G.).

P.R. No. 3178/05
Presented by Shri Yashwant Tiwari
dated 15/12/05

VERSUS

RESPONDENTS
PLAINTIFF

1. Jhankesh Kumar Sahu, S/o. Damrudhar, Aged about- 2 years, **MINOR-** Through : His Natural Guardian Smt. Parvati Bai Sahu, W/o. Damrudhar Sahu, R/o. Baikunthpur, Raigarh, Tahsil and District Raigarh (C.G.).

DEFENDANTS No.1

2. State of Chhattisgarh, Through : Collector, Raigarh (C.G.)

APPEAL UNDER SECTION 104 C.P.C. 1908 AGAINST THE PRELIMINARY ORDER VAULED AT RS. 2,20,000/-

XI-HC-78

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A. No. 1452 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05/02/2007

Shri Amiyakant Tiwari, counsel for the appellants.

Heard on admission.

The impugned order is perused.

The appellant defendant having failed to demonstrate that the suit for compensation was filed for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in the territories to which the Limitation Act extends the finding recorded by the learned District Judge, Raigarh that the suit falls under Article 113 and not under Article 72 of the Limitation Act and was therefore, within limitation, is impeccable.

This appeal being devoid of merit is dismissed at the stage of admission.

In view of the above, M.(C).P. No. 1774/2005 for stay and I.A. No. 2242/2006 for out of turn listing stand disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya

P.T.O.